

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

IN REPLY REFER TO: 1800B3-MAT

JUL 12 2019

Lawrence M. Miller, Esq.
Garvey Schubert Barer
1000 Potomac Street, Suite 200
Washington, DC 20007

In re: WABY(AM), Watervliet, NY
Facility ID No. 72620
Silent since June 26, 2019

Request for Special Temporary
Authority to Remain Silent

Dear Mr. Miller:


This letter concerns the request you filed on July 1, 2019, on behalf of Empire Broadcasting Corporation (EBC), for Special Temporary Authority (STA) to permit AM Radio Station WABY to go silent.

EBC's request states that Station WABY(AM) went silent on June 26, 2019, for financial reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.

EBC's request is granted. Accordingly, Special Temporary Authority is granted to permit Station WABY(AM) to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station WABY(AM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., June 27, 2020.¹**

EBC is required to notify the Commission when broadcast operations resume. If EBC does not file the notification of resumption of operations in a timely manner, the license may be subject to cancellation pursuant to Section 312(g) of the Communications Act, as amended.²

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed.³

Sincerely,

Lisa Scanlan
Deputy Chief, Audio Division
Media Bureau

¹ See 47 U.S.C. § 312(g).

² *Id.* In addition to filing a notification of resumption of operations electronically on the date operations resume, notification of resumption must also be emailed to Denise.Williams@FCC.gov.

³ See 47 CFR §§ 17.6 and 73.1740(a)(4).